

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JOHN DOE,

:  
: Civil Action No: 6:20-CV-0146  
:(LEK/ATB)

Plaintiff,

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: Declaration of  
:-against-  
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Defendant.

X

HAMILTON COLLEGE,

**Andrew T. Miltenberg, Esq.**, hereby declares, subject to the penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney-at-law of the State of New York and a member of the bar of this Court. I am partner at the law firm of Nesenoff & Miltenberg, LLP, the attorneys of record for the Plaintiff in this matter. In that capacity, I am fully familiar with the facts and issues set forth in this Declaration, which is being submitted in support of Plaintiff's *ex parte* motion to proceed pseudonymously in this action.

2. The detailed allegations underpinning the instant action are set forth in the Complaint, which is incorporated herein by reference.

3. Plaintiff states that during the Title IX matter at Hamilton, and since then, he maintained confidentiality to the greatest extent possible, discussing the case only with those necessary—including his immediate family, his legal counsel, and a few very close friends, for emotional support. Plaintiff has made no social media postings, public statements, or otherwise

sought any attention on this matter. Plaintiff has had no media contact regarding anything relating to this matter.

4. On or about January 24, 2020, I notified Defendant, through its counsel, of Plaintiff's identity in this litigation.

5. Plaintiff states that he fears reprisal, harassment, and irreparable reputational harm if his name is disclosed in the instant litigation. Plaintiff therefore seeks to proceed by pseudonym.

6. Attached hereto as Exhibit A is a true and correct copy of the court's order granting pseudonym status in *Doe v. Grinnell Coll.*, No. 17-CV-00079 (RGE) (SBJ) (S.D. Iowa July 10, 2017), ECF No. 39 in that case.

7. Attached hereto as Exhibit B is a true and correct copy of the court's order granting pseudonym status in *Doe v. Allegheny College*, Docket No. 17-cv-00031 (W.D.Pa. May 1, 2017), ECF No. 18 in that case.

8. Attached hereto as Exhibit C is a true and correct copy of the court's order granting pseudonym status in *Doe v. Swarthmore College*, No. 2:14-cv-00532-SD (E.D. Pa. Jan. 29, 2014), ECF No. 3 in that case.

9. Attached hereto as Exhibit D is a true and correct copy of the court's order granting pseudonym status in *Doe v. Trs. of Univ. of Pennsylvania*, No. 16-cv-05088-JP (E.D. Pa. Sept. 26, 2016), ECF No. 12 in that case.

I declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

**Dated: New York, New York  
February 11, 2020**

/s/ Andrew T. Miltenberg  
**Andrew T. Miltenberg, Esq.**